REMARKS

Reconsideration is requested.

The applicants elect, with traverse, the subject matter of the Examiner's Group I for further prosecution.

The applicants further elect, with traverse, SEQ ID NO:12.

As a species for purposes of initial search, the applicants elect, with traverse, cancer.

Reconsideration and withdrawal of the lack of unity objection, and restriction requirement(s), are requested in view of the following comments.

The Examiner is understood to believe that the claims allegedly fail to define a single general inventive concept.

The Examiner is understood to assert that the teaching of SEQ ID NO:17 of Hasting (U.S. Patent No. 5,780,263), anticipates the method of treatment of claims 10-14 and 18 of the present application as the only basis for asserting that the claims allegedly fail to share a common special technical feature. See page 2 of the Office Action dated October 31, 2007.

The Examiner is urged to appreciate that the claims define more than merely "a method treatment comprising administering the polypeptide of SEQ ID NO:2", as indicated by the Examiner. Id. The claims define methods of treatment of pathologies requiring the inhibition of endothelial proliferation, in particular within the framework of the following pathologies: age-related macular degeneration, diabetic retinopathy, rheumatoid arthritis, angiomas, angiosarcomas, in particular Castelman's disease and

Kaposi's sarcoma, or of pathologies requiring the inhibition of endothelial activation, in particular within the framework of the following pathologies: allograft and xenograft rejection, acrocyanosis, scleroderma, or within the framework of the preparation of grafts between collection and transplantation, wherein the method requires the administration to a person in need of said inhibition of a pharmaceutically acceptable amount: of, for example, the NOV protein, represented by the sequence SEQ ID NO: 2.

The cited patent fails to teach or suggest the claimed methods.

Specifically, the applicants understand the cited patent to disclose SCGF (i.e., small CCN-like Growth Facor) protein and use of the protein as an angiogenic activator or to "stimulate angiogenesis". See column 1, lines 3-10 and column 9, lines 58-63 of the cited patent.. SEQ ID NO:17 of the cited patent is understood to be a sequence "HNGF" used for comparison in Figure 2. The patent is not believed to provide any further information regarding "HNGF" other than the fact that it is a member of the "CCN protein family". See column 2, lines 66-67 of the cited patent.

The cited patent fails to teach or suggest the administration of SEQ ID NO:17 of the patent as an inhibitor of, for example, angiogenesis. The cited patent fails to teach or suggest the administration of SEQ ID NO:17 of the patent as an inhibitor, as presently claimed.

The cited patent fails to establish the claims fail to share a corresponding special technical feature. Withdrawal of the lack of unity of invention assertion and examination of all of the claimed subject mater are requested.

The presently claimed invention defines methods of using NOV protein and fragments thereof for pathologies requiring inhibition of angiogenesis wherein the methods of the cited patent require activation of angiogenesis with proteins other than the SEQ ID NO:17 of the patent relied upon by the Examiner.

The claims are submitted to define a single invention.

The Examiner's reliance on structural and functional distinctions between polypeptides, antibodies and polynucleotides to allege a lack of unity of invention is also believed to be inappropriate. See page 3 of the Office Action dated October 31, 2007. The Examiner's arguments and remarks in this regard appear to be similar to those usually made in U.S. patent applications filed under 35 USC § 111, as a basis of a restriction requirement. The Examiner is urged to appreciate however that the present application is a 371 U.S. national phase of a PCT international application and that the principles of unity of invention apply.

The claims are submitted to define a single invention.

The applicants further note in this regard that all the polypeptides of the present invention are active in inhibiting angiogenesis. Even if these polypeptides are different in their structure, their common feature resides in their common inhibiting activity. As for the polynucleotide, the compounds all derive from the same gene corresponding to SEQ ID NO:1 coding for NOV protein. Thereby, these polynucleotides have the same chromosomal location. The common feature resides in the fact that they code for polypeptides with the same inhibiting activity.

For these reasons, polypeptides SEQ ID NOs: 2, 4, 6. 8. 10 aid 12 must be considered as a single genera! inventive concept, and polynucleotides SEQ ID NOs: 1. 3, *5.* 7, 9 and 11 must d so be considered as a part of that same single general inventive concept.

All of the claims of the elected Group are believed to read on the elected species.

Withdrawal of the alleged lack of unity of invention and restriction requirement(s) is requested along with a favorable Action on the merits of all of the claimed subject matter.

The Examiner is requested to contact the undersigned in the event anything further is required at this time.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
B. J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100